

10/5/05

**May 2006 Elections**

**Candidacy Requirements**

**For**

**Towns of Blacksburg**  
**and Leesburg**

# 2006 ELECTION CALENDAR

## Towns of Blacksburg and Leesburg

ELECTION TYPE	ELECTION DATE	<sup>3</sup> DEADLINES (PERIODS) FOR FILING			LAST DAY TO REGISTER TO VOTE	DEADLINE TO APPLY FOR ABSENTEE BALLOT
		CANDIDATE DECLARATIONS/ PETITIONS	OTHER CANDIDATE FORMS	<sup>2</sup> PARTY CHAIRS CERTIFY CANDIDATES		
<sup>1</sup> General	May 2	March 7 7:00 p.m.	March 7 7:00 p.m.	March 13 5:00 p.m.	April 3 5:00 p.m.	By Mail: April 27 In Person: April 29

<sup>1</sup>See the following pages for specifics as to forms required and where to be filed. The bulletin and forms are available on our website: <http://www.sbe.virginia.gov>

**OR** for a \$10.00 prepaid fee, from the State Board of Elections. Make checks payable to: State Board of Elections (include the town name and the office you are seeking).

VOICE: 804-864-8901.

Toll-free: 800-552-9745

TTY Toll free: 800-260-3466

<sup>2</sup> Party nominations are permitted in towns whose charters do not prohibit partisan elections for council offices. Such nominations may be made no earlier than February 3 and must be completed by 7:00 p.m. on March 7.

<sup>3</sup> For candidates for special elections to fill vacancies, **the deadline for all candidates** to file all required forms and for political parties to **nominate and certify** nominees is **7:00 p.m. on Tuesday, March 7, 2006.**

**ON ANY ELECTION DAY - WHETHER GENERAL, PRIMARY, OR SPECIAL - THE POLLS ARE REQUIRED TO OPEN AT 6:00 A.M. AND CLOSE AT 7:00 P.M.**



# INTRODUCTION

This bulletin and all required forms are available on our website:

[http://www.sbe.virginia.gov/Cidate\\_Information/Index.html](http://www.sbe.virginia.gov/Cidate_Information/Index.html)

Each document is explained in Item VI on Pages 4 and 5 herein.

Filing deadlines and the officer with whom the qualifying forms are filed also are addressed herein.

Your particular attention is called to Item III on Page 1. This section addresses Campaign material identification.

Should you have questions relating to your candidacy, please do not hesitate to call us. Our toll-free number is 800-552-9745. You also can reach us at 804-864-8901.





# TABLE OF CONTENTS

<i>ITEM</i>	<i>SUBJECT</i>	<i>PAGE</i>
I.	Town Offices (identified) .....	1
II.	Election District (explanation) .....	1
III.	Advertising And Campaign Materials .....	1
IV.	VDOT Information .....	3
V.	Qualifications To Be A Candidate .....	4
VI.	Documents Required To Be Filed .....	4
VII.	Filing Deadline For Forms By A Convention/Mass Meeting Candidate ...	6
VIII.	Filing Deadline For Forms By An Independent (Non-Party) Candidate ...	7
IX.	Deficiencies In Declaration Or Petitions (Non-Party) Candidate .....	8
X.	Other Required Reports .....	8
XI.	Order Of Names On Ballots .....	8
XII.	The Successful Candidate .....	9
XIII.	Frequently Asked Questions .....	9



## I. TOWN OFFICES

Listed below are the offices to which this bulletin applies:

### A. Mayor

Only if your Town Charter specifies that this officer is elected by the voters. If elected, all town voters vote for this office.

### B. Council Members

The number elected is specified in your Town Charter. The charter provisions also determine whether members are elected At Large and/or by district. When members are elected At Large, all voters in the town vote the same ballot. If members are elected by district, only voters who reside in the district in which the candidate is running are eligible to vote for that candidate.

## II. ELECTION DISTRICT

As used herein, election district means the area the candidate will represent if elected. See each local office listed above for details.

## III. ADVERTISING AND CAMPAIGN MATERIALS

The Campaign Finance Disclosure Act imposes certain reporting requirements relating to advertising and identification of campaign ads and materials, including sample ballots.

Refer to Chapter 7 the *Summary of the Campaign Finance Disclosure Act* (CFDA) published by the State Board of Elections for specific requirements.

If you have questions on the Act, please call our toll-free line and ask for the Campaign Finance Division.

The following is provided for your additional information:

### A. Sample Ballots

Any **sample** of a paper or voting machine **ballot** must contain the words **SAMPLE BALLOT**, the appropriate statement required by the Campaign Finance Disclosure Act and, in addition, must:

- (a) contain the words **SAMPLE BALLOT** in not less than 24 point type; and
- (b) be printed on paper of a color **other than white** or **yellow (canary)**.

### III. ADVERTISING AND CAMPAIGN MATERIALS (continued)

#### B. Posting

Campaign materials may **NOT** be posted on any state-owned right of way [see Page 3 herein]. Contact your local government administrator to determine whether local ordinances prohibit or restrict the posting of campaign materials.

No locality shall have the authority to prohibit the display of political campaign signs on **private property** if the signs are in compliance with zoning and right of way restrictions applicable to temporary nonpolitical signs and if the signs have been posted with the permission of the owner of the property. [§15.2-109 of the Code of Virginia]

#### C. Violations

If you believe that either a local ordinance or any election law has been violated and you have facts concerning the violation, you should report those facts in writing to the Commonwealth's Attorney for the county in which the violation happened.

Violations of state-owned right of way restrictions should be reported to your regional Virginia Department of Transportation office.

## IV. VDOT INFORMATION

A “clean” campaign is a sign of the times.



**Don't “trash” your print budget or throw away volunteer time.**

HIGHWAY WORKERS ARE REQUIRED BY LAW TO REMOVE POSTERS AND FLYERS ON SIGNS, GUARDRAILS - OR ANYWHERE ELSE ON STATE-OWNED RIGHT OF WAY. CAMPAIGN PRINT MATERIALS ARE TOO EXPENSIVE TO WIND UP IN THE BACK OF A VDOT TRUCK. AND VOLUNTEER TIME IS TOO VALUABLE TO BE WASTED ON PUTTING UP MATERIALS THAT ARE DESTINED TO COME DOWN.



**Don't make highway workers “play politics” on the job.**

PICKING UP POLITICAL MATERIALS IS A COSTLY ACTIVITY FOR VDOT. BUT THE COST TO THE CANDIDATE COULD BE EVEN HIGHER. VOTERS DON'T LIKE TO SEE THEIR TAX DOLLARS SUPPORTING SUCH ACTIVITIES. THEY EXPECT TO SEE HIGHWAY WORKERS PATCHING POTHOLES, FILLING LOW SHOULDERS, OR MOWING GRASS.



**Don't let campaign materials turn into litter.**

MANY VOTERS VOLUNTEER THEIR TIME TO CLEAN UP ROADSIDES IN VDOT'S “ADOPT-A-HIGHWAY” PROGRAM. AFTER SPENDING SEVERAL BACK-BREAKING HOURS BENDING OVER TO PICK UP POLITICAL POSTERS, THEY WON'T FEEL TOO KINDLY TOWARDS THE NAMES AND FACES THAT THEY SEE OVER AND OVER AGAIN.



**Don't get “stuck” by bumper stickers.**

ONE LITTLE BUMPER STICKER CAN CAUSE A LOT OF EXPENSE. IF APPLIED TO A ROADSIDE SIGN, THE STICKY RESIDUE IS ALMOST IMPOSSIBLE TO REMOVE. THE SIGN MAY HAVE TO BE REPLACED ENTIRELY. THE LARGE GREEN HIGHWAY SIGNS, FOR EXAMPLE, CAN COST UP TO \$800. EVEN A HUMBLE STOP SIGN COSTS MORE THAN \$50. DON'T RISK ALIENATING VOTERS BY DESTROYING THE VERY SIGNS THAT THEIR TAX DOLLARS HAVE PAID FOR.



**Don't risk your candidate's image.**

*IT IS ILLEGAL TO PLACE POLITICAL SIGNS ON STATE-OWNED RIGHT OF WAY.* YOU WANT CITIZENS TO VIEW YOUR CANDIDATE AS A LAWMAKER - NOT A LAW-BREAKER.



**Don't risk someone's life.**

ONE MISPLACED SIGN AT AN INTERSECTION COULD BLOCK A MOTORIST'S VISION - AND COST SOMEONE HIS LIFE. THAT'S WHY VDOT TRAFFIC ENGINEERS REVIEW THE PLACEMENT AND POSITION OF EACH HIGHWAY SIGN TO ENSURE SAFETY - AND TO MINIMIZE “VISUAL CLUTTER”. UNDERSTANDABLY, CAMPAIGN VOLUNTEERS ARE THINKING ABOUT VICTORY - NOT SAFETY. AND THAT COULD POSE A DEADLY PROBLEM.

DO put signs, posters, and other campaign materials anywhere you want on private property with the owner's permission, of course. And because political signs and posters located off the right of way aren't considered “outdoor advertising”, you won't even need a permit.

VDOT - call your local Virginia Department of Transportation office for details.

## V. QUALIFICATIONS TO BE A CANDIDATE

A candidate must be:

- ◆ Qualified to vote for and hold the office sought;
- ◆ A resident of the Commonwealth for one year immediately preceding the election; and
- ◆ A resident, by the time of filing, of the town in which he offers for election.

## VI. DOCUMENTS REQUIRED TO BE FILED

A candidate must file certain documents in order to qualify to appear on the ballot. Each form is described below. An explanation of who is required to file each item also is provided. Each document can be downloaded from our website:

[http://www.sbe.virginia.gov/cms/Cidate\\_Information/Cidate\\_Forms.html](http://www.sbe.virginia.gov/cms/Cidate_Information/Cidate_Forms.html)

### A. Statement of Organization for a CANDIDATE

This document is prepared and distributed by the State Board of Elections. Any individual serving as campaign treasurer must be a qualified voter of the Commonwealth. A candidate may serve as his own treasurer.

Virginia law requires each candidate to provide the name and address of his campaign treasurer, the name of the financial institution in which he establishes his campaign account and, if one, the name of his campaign committee.

This document is required to be filed as soon as you receive or expend monies relating to your candidacy or file any form listed in Items B through E below. For further details, see **Starting A Campaign Committee** in the *Summary of the Campaign Finance Disclosure Act* published by the State Board of Elections and also found on our website:

[http://www.sbe.virginia.gov/cms/Campaign\\_Finance\\_Disclosure/Index.html](http://www.sbe.virginia.gov/cms/Campaign_Finance_Disclosure/Index.html)

### B. Certificate of Candidate Qualification

This document is prepared and distributed by the State Board of Elections. **All** candidates are required to file this form.

### C. Declaration of Candidacy

This document is prepared and distributed by the State Board of Elections. It must be filed by **all** candidates. The Declaration must be filed **at the same time** as the petitions.



## VI. DOCUMENTS REQUIRED TO BE FILED (continued)

### D. Petition of Qualified Voters

This document is prepared and distributed by the State Board of Elections. Petitions containing at least the number of signatures required for the office sought must be filed **together with** the *Declaration of Candidacy*. Petitions, **cannot** be circulated until **after** January 1, 2006.

#### 1. Petition Circulator

Petitions can be circulated by either the candidate or another person who is either registered, or eligible to be registered, to vote in the district in which the candidate is seeking election. For At Large seats, by any eligible town resident.

The person circulating the petition must affirm before a notary or other person authorized to administer oaths, that he **personally witnessed** the affixing of the signatures. Falsely taking this affidavit is a felony under Virginia law. The petition **NEVER** can be left unattended, i.e., left on the counter at a grocery store, restaurant, etc.

#### 2. Number of Signatures Required

For Mayor and council, petitions must contain the signatures of at least **125** qualified voters of the town.

The State Board recommends that a candidate get at least half again the number of signatures required to assure that enough signers are qualified voters.

### E. Statement of Economic Interests

This document is prepared by the Secretary of the Commonwealth and should be available from the Town Clerk. It is required to be filed by **all** candidates for Mayor and council **in towns having a population in excess of 3,500**.

**Exception** - Individuals who are officers or employees of the town need not re-file this form as candidates if they met the requirement for filing in January 2006.

## VII. FILING DEADLINE AND WHERE TO FILE

### For A Convention/Mass Meeting Candidate

Postmarks are acceptable **only** if these documents are mailed by registered or certified mail and a receipt showing date of mailing can be produced if demanded by the office with which the forms are filed.

REQUIRED FORMS	WHERE TO FILE	FILING DEADLINE
*1. Certificate of Candidate Qualification	General Registrar of the candidate's county of residence	7:00 p.m. 3/7/2006
*2. Statement of Economic Interests		
*3. Statement of Organization for a Candidate**	Electoral Board of the candidate's county of residence at the office of the General Registrar	7:00 p.m. 3/7/2006

NOTE: Partisan elections are permitted unless prohibited by the Town Charter.

#### DO'S AND DON'TS FOR A GENERAL OR SPECIAL ELECTION

See [http://www2.sbe.virginia.gov/election/candidates/bulletins/local-offices/DOS\\_DONTS\\_1GE.pdf](http://www2.sbe.virginia.gov/election/candidates/bulletins/local-offices/DOS_DONTS_1GE.pdf)

and

#### GUIDELINES FOR POLLWORKERS AND AUTHORIZED REPRESENTATIVES

See [http://www2.sbe.virginia.gov/election/candidates/bulletins/local-offices/DOS\\_DONTS2G.pdf](http://www2.sbe.virginia.gov/election/candidates/bulletins/local-offices/DOS_DONTS2G.pdf)

Provide this information to any person who will either serve as your representative inside the polls or work for you outside the polls on election day.

<p><b>Any person who fails to file all the required forms by the above deadline May NOT have his name printed on the General or Special Election ballot.</b></p>
--

\* Refer to Pages 4 and 5 herein for details.

\*\* The failure to file the Statement of Organization for a Candidate is not cause for disqualification. However, you are subject to penalties required by the Campaign Finance Disclosure Act.

## VIII. FILING DEADLINE AND WHERE TO FILE

**For An Independent (Non-Party) Candidate**

*Items 1 and 2* listed below **must be received** by the *General Registrar* by the filing deadline. Postmarks are acceptable **only** for *Items 3 and 4* and **only** if they are mailed by registered or certified mail and a receipt showing date of mailing can be produced if demanded by the office with which the forms are filed.

REQUIRED FORMS	WHERE TO FILE	FILING DEADLINE
*1. Declaration of Candidacy	General Registrar of the candidate's county of residence	7:00 p.m. 3/7/2006
*2. Petitions of Qualified Voters		
*3. Statement of Economic Interests		
*4. Certificate of Candidate Qualification		
*5. Statement of Organization for a Candidate**	Electoral Board of the candidate's county of residence at the office of the General Registrar	7:00 p.m. 3/7/2006

**DO'S AND DON'TS FOR A GENERAL OR SPECIAL ELECTION**

See [http://www2.sbe.virginia.gov/election/candidates/bulletins/local-offices/DOS\\_DONTS1\\_GE.pdf](http://www2.sbe.virginia.gov/election/candidates/bulletins/local-offices/DOS_DONTS1_GE.pdf)

and

**GUIDELINES FOR POLLWORKERS AND AUTHORIZED REPRESENTATIVES**

See [http://www2.sbe.virginia.gov/election/candidates/bulletins/local-offices/DOS\\_DONTS2G.pdf](http://www2.sbe.virginia.gov/election/candidates/bulletins/local-offices/DOS_DONTS2G.pdf)

Provide this information to any person who will either serve as your representative inside the polls or work for you outside the polls on election day.

**Any person who fails to file all the required forms by the above deadline  
May NOT have his name printed on the General or Special Election ballot.**

\* Refer to Pages 4 and 5 herein for details.

\*\* The failure to file the Statement of Organization for a Candidate is not cause for disqualification. However, you are subject to penalties required by the Campaign Finance Disclosure Act.

## IX. NOTICE OF DEFICIENCIES IN DECLARATION OR PETITIONS

An independent (non-party) candidate may request notification of any problems with his filing that can be corrected before the filing deadline. This request **must be in writing** as required by § 24.2-505 of the *Code of Virginia*.

This letter must be addressed to the Secretary of the Electoral Board of the candidate's county of residence. It must accompany the declaration of candidacy and petitions filed with the General Registrar.

The written request **does not guarantee** timely response. Certain factors, such as the number of filings, may affect the electoral board's ability to comply with the request. It is suggested that documents be filed **at least ten [10] working days before the filing deadline** if this notice is requested.

## X. OTHER REQUIRED REPORTS

All candidates must file *pre-election* and *post-election* Reports of Campaign Contributions and Expenditures. These reports are filed **only** with the Electoral Board of the candidate's county of residence and are due even if no contributions are received nor expenditures made. In this case, **only** a *Report Of No Activity* must be filed. Forms are prescribed by, and available from, the State Board of Elections.

See Candidate Reporting Schedule for dates reports are due.

No certificate of election can be issued to any successful candidate who fails to file the required reports.

**Exception** - A candidate for local office who files an exemption form certifying that he has not and will not solicit or accept any contribution from any other person during the course of his campaign and has not and will not contribute or expend more than \$1,000 during the course of his campaign, is required to file reports of large pre-election contributions and a final report. A form for this purpose is prepared and distributed by the State Board of Elections.

## XI. ORDER OF NAMES ON BALLOTS

### In **General Elections**

Independent (non-party) candidates appear in alphabetical order.

## XII. THE SUCCESSFUL CANDIDATE

The successful candidate in a town with a population in excess of 3,500 must file, as a condition to assuming office, with the **Town Clerk**, a **second** Statement of Economic Interests as required by §§ 2.2-3115 and 2.2-3116 of the *Code of Virginia* **prior to taking office**, and annually thereafter by January 15 of each year. Forms are prescribed by the Secretary of the Commonwealth and should be available from the Town Clerk.

The successful candidate in a *general election* is required by law to qualify and take the oath of office no later than the day of the initial meeting of the new town council; in a *special election*, within thirty days of the election. Failure to so qualify creates a vacancy in the office.

## XIII. FREQUENTLY ASKED QUESTIONS

### A. Who may circulate a candidate's petitions?

A candidate may circulate his own petitions but is not required to do so. A candidate's petitions may be circulated by any person who is, or who is eligible to be, a qualified voter of the election district. See Item VI D 1 for details.

The circulator must affirm before a notary or other person authorized to administer oaths, that he **personally witnessed** the affixing of the signatures. Falsely taking this affidavit is a felony under Virginia law. The circulator can **NEVER** leave the petition unattended, i.e., left on the counter at a grocery store, restaurant, etc.

### B. I am circulating a petition for a candidate; may I also sign as a qualified voter the petition that I am circulating?

I am a Notary circulating petitions for a candidate; may I notarize the petition pages I circulate?

**NO TO BOTH.** The person circulating the petition must swear, under oath, that he **personally witnessed** the affixing of the signatures on the petition and no person can witness his own signature.

### C. I am a candidate and a Notary; may I notarize the petition pages circulated by other persons?

**NO.** § 47.1-30 of the *Code of Virginia* prohibits a notary from performing a notarial act on any document in which the notary or his spouse is a party, **or** in which either of them has a direct beneficial interest.

Any Notary who violates these provisions is considered guilty of official misconduct, may be removed from office and may be subject to other penalties.

### XIII. FREQUENTLY ASKED QUESTIONS (continued)

D. I work for the federal government; can I be a candidate?

Pursuant to the federal law commonly known as the Hatch Act, you may be a candidate in a **non-partisan election** or, if you live in the Counties of Arlington, Fairfax, Loudoun, Prince William or Stafford, you may be an **independent candidate for local office in a partisan election**. An election is considered partisan if any of the candidates for the office you would seek are nominated by a political party.

To determine whether you might also be affected by the rules and regulations of the agency for which you work, **contact your personnel officer**.

It should also be noted that most employees of the legislative branch of the federal government are not covered by the Hatch Act but may be affected by other rules and regulations.

E. I work for the state or a local government; can I be a candidate?

**Some** state and local government employees **are prohibited** from being candidates. You may be so prohibited if your Agency receives federal funds. **Contact the personnel officer where you work**. If necessary, present the facts of your case in writing, including the office you wish to seek, to the **Office of the Special Counsel**, 1730 M Street NW, Suite 300, Washington, D. C. 20036 or call them at either 800-872-9855 or 202-254-3600. That office will determine if you are affected by the Hatch Act.

Most state and local government employees are not prohibited by law from being a candidate. However, you may be affected by the rules and regulations of the agency or ordinances of the government for which you work. **Contact your personnel officer**.

F. I do business with my local government; am I prohibited from holding office on its governing body due to a conflict of interest?

**Contact an attorney** as to whether the provisions of the State and Local Government Conflict of Interests Act [§§ 2.2-3100 through 2.2-3127 of the *Code of Virginia*] might affect your ability to hold the office you intend to seek.

G. Can a political party endorse a candidate for any elected town council office?

**YES.** Endorsements **do not constitute** nomination by the political party.